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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,049	06/26/2001	Joseph Raymond Diehl	8607	1784

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THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
2635	7

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/892,049	DIEHL ET AL.
Examiner	Art Unit	
Yves Dalencourt	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 June 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 June 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This action is responsive to communication filed on 06/26/2001.

### ***Drawings***

The boxes in figures 2 – 5 need to be labeled as required under 37 CFR 1.83(a).

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, " Disclosed "(line 1, page 23) and " comprise "(line 2, page 23).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 2, 4, 6 – 8, and 12 - 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Steve Khoury ( US 5790034; hereinafter Khoury).

Regarding claims 1, 12, and 15, Khoury teaches a portable locking system which comprises a portable transmitter (20, figure 2); a door module (50, figure 3; col. 4, lines 5 – 24; the claimed portable receiver); and an attachment mechanism adapted to releasably affix the portable receiver to a surface (79, figure 5; col. 5, lines 37 – 45).

Regarding claim 2, Khoury teaches a portable locking system, wherein the portable transmitter emits a signal that includes radio-frequency signals (col. 3, lines 18 – 24).

Regarding claims 4 and 7, Khoury teaches a portable locking system, wherein the signal emitted by the portable transmitter is an intermittent signal (col. 1, lines 32 – 34, the signal is transmitted only when one approaches the door).

Regarding claim 6, Khoury teaches a portable locking system, wherein the portable transmitter 20 has four buttons 21-24 to send an electromagnetic signals (col. 3, lines 16 – 22; the claimed manually operated portable transmitter).

Regarding claim 8, Khoury teaches a portable locking system which further comprises a locking mechanism (col. 4, lines 5 – 11).

Regarding claim 13, Khoury teaches a portable locking system, wherein the attachment mechanism is a two component attachment mechanism comprising a door module (50, figure 3; the claimed receiver mount) and a deadbolt lock (5, figure 5; col. 4, lines 5 – 11; the claimed surface mount).

Regarding claims 14 and 16, Khoury teaches a portable locking system, wherein the receiver mount is releasably affixed to the surface mount and the surface mount is releasably affixed to a surface using an adhesive as an attachment mechanisms (col. 5, lines 41 - 44).

Regarding claim 17, Khoury teaches a method for controlling the entrance into a lockable structure, the method comprising the steps of releasably affixing a portable receiver to a surface of the lockable structure (col. 5, lines 37 – 45); generating a signal from a portable transmitter (26, figure 2; col. 3, lines 18 - 22); processing the signal through the portable receiver wherein the portable receiver has a locking mechanism connected to the receiver (col. 4, lines 5 – 11 and 25 – 32); and actuating the locking mechanism into a locked or unlocked position (col. 4, lines 33 – 43).

Regarding claim 18, Khoury teaches a method for controlling the entrance into a lockable structure, wherein the portable receiver is releasably affixed to the surface of the lockable structure using a two component attachment mechanism comprising a receiver mount and a surface mount (5, figure 5; col. 4, lines 5 – 11).

Regarding claims 19 and 20, Khoury teaches a method for controlling the entrance into a lockable structure, wherein the receiver mount is releasably affixed to the surface mount and the surface mount is releasably affixed to the surface of the lockable structure, and wherein the attachment mechanism is an adhesive (col. 5, lines 41 - 44).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5, and 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Steve Khoury (US 5790034; hereinafter Khoury) as applied to claims 1 and 2, above, in view of Zimmer et al (US 3,760,422; hereinafter Zimmer).

Regarding claims 3, 5, and 9 – 10, Khoury teaches all the limitations on claims 2 and 8, but fails to specifically teach that the signal emitted by the portable transmitter is a continuous signal (claim 3); the portable transmitter can emit the signal in a range of from about 1 foot to about 50 feet (claim 5); the locking mechanism is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (claim 9); and the locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (claim 10).

However, Zimmer et al teaches, in the same field of endeavor, a remote control system for locking device which comprises a portable transmitter that transmits a continuous signal (col. 1, lines 61 – 67); the portable transmitter can emit the signal in a range of from about 1 foot to about 50 feet (col. 3, lines 46 – 48 and lines 55 – 57); a locking mechanism that is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value; and the

locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (such limitations are based on the distance of the portable transmitter to the portable receiver (col. 2, lines 3 – 18; col. 3, lines 41 - 67).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a portable transmitter that transmits a continuous signal; a locking mechanism that is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value; and the locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value in Khoury's device as evidenced by Zimmer et al because Khoury suggest opening a lock automatically at the appropriate time as one approaches the door, and Zimmer et al further teaches a portable transmitter that transmits a continuous signal to either lock or unlock a portable locking device based on the strength of the signal received by the receiver for the purpose of providing a remote control system which is fully automatic so that if the authorized individual leaves a cash drawer unattended, the locking device will be automatically actuated.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Steve Khoury (US 5790034; hereinafter Khoury) as applied to claim 8, above, and further in view of Geringer et al (US 4634155; hereinafter Geringer).

Regarding claim 11, Khoury teaches all the limitations on claim 8, but fails to specifically teach a portable receiver which further comprises a status indicating mechanism indicating a lock or unlock status of the locking mechanism.

However, Geringer et al teaches, in the same field of endeavor, a power actuated door locking and monitoring assembly which comprises a status indicating mechanism indicating a lock or unlock status of the locking mechanism (col. 1, lines 22 - 28 and lines 58 – 68).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a status indicating mechanism indicating a lock or unlock status of the locking mechanism in Khoury's device as taught by Geringer et al for the purpose of assuring the integrity of the door locking assembly and increases its monitoring ability.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leon et al (US Patent Number 6,097,306) discloses a programmable lock and security system therefor.

Charles K. Roberts (US Patent Number 4,135,748) discloses a portable door lock.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt  
  
June 28, 2003